

DEPARTMENT OF FORESTRY AND FIRE PROTECTION
OFFICE OF THE STATE FIRE MARSHAL
RUBEN GRIJALVA, STATE FIRE MARSHAL



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Re: State Fire Marshal Enforcement Authority

Recently, I have been asked whether the local building official may assume the responsibilities of enforcing State Fire Marshal fire and life safety regulations and building standards.

Health and Safety Code, Sections 13145, 13146, and 13146.5 address the issue of enforcement responsibilities of State Fire Marshal regulations and building standards. Particularly, if there is a local fire authority, the statutes clearly places that responsibility on that local fire entity, except for the Group R, Division 3 occupancy, in which case is determined by the local governing body (i.e., city council, board of supervisors, city manager, county administrator, etc.).

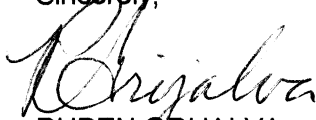
The local fire chief's perspective is important to the implementation of fire and life safety regulations and building standards. The perspective of the emergency responder is vital to the safety of firefighters and rescuers, as well as occupants of the buildings who may require emergency assistance.

In the event there is no local fire authority, all enforcement responsibilities of State Fire Marshal regulations and building standards remain the responsibility of the Office of the State Fire Marshal.

I encourage fire chiefs to work closely with their building officials in carrying out the intent of the Health & Safety Code, as I will work closely with them in the adoption of fire and life safety regulations and building standards.

I hope this clarifies your question of enforcement responsibility of those requirements adopted by my office. If you have any further questions, or need further clarification, please feel free to give me a call.

Sincerely,


RUBEN GRIJALVA
State Fire Marshal

Attachment: H&S Code Sections 13145, 13146, and 13146.5

Health & Safety Code

13145. The State Fire Marshal, the chief of any city or county fire department or district providing fire protection services, and their authorized representatives, shall enforce in their respective areas building standards relating to fire and panic safety adopted by the State Fire Marshal and published in the State Building Standards Code and other regulations that have been formally adopted by the State Fire Marshal for the prevention of fire or for the protection of life and property against fire or panic.

13146. The responsibility for enforcement of building standards adopted by the State Fire Marshal and published in the California Building Standards Code relating to fire and panic safety and other regulations of the State Fire Marshal shall be as follows:

(a) The city, county, or city and county with jurisdiction in the area affected by the standard or regulation shall delegate the enforcement of the building standards relating to fire and panic safety and other regulations of the State Fire Marshal as they relate to R-3 dwellings, as described in Section 1201 of Part 2 of the California Building Standards Code, to either of the following:

(1) The chief of the fire authority of the city, county, or city and county, or his or her authorized representative.

(2) The chief building official of the city, county, or city and county, or his or her authorized representative.

(b) The chief of any city or county fire department or of any fire protection district, and their authorized representatives, shall enforce within its jurisdiction the building standards and other regulations of the State Fire Marshal, except those described in subdivision (a) or (d).

(c) The State Fire Marshal shall have authority to enforce the building standards and other regulations of the State Fire Marshal in areas outside of corporate cities and districts providing fire protection services.

(d) The State Fire Marshal shall have authority to enforce the building standards and other regulations of the State Fire Marshal in corporate cities and districts providing fire protection services upon request of the chief fire official or the governing body.

(e) Any fee charged pursuant to the enforcement authority of this section shall not exceed the estimated reasonable cost of providing the service for which the fee is charged, pursuant to Section 66014 of the Government Code.

13146.5. The provisions of Sections 13145, 13146 and 13146.3 shall, so far as practicable, be carried out at the local level by persons who are regular full-time members of a regularly organized fire department of a city, county, or district providing fire protection services, and shall not be carried out by other persons pursuant to Section 34004 of the Government Code.